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G/TIP for Stephanie Kronenburg and Marisa Ferri

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SUBJECT: ARGENTINA: PROSECUTOR GENERAL SEEKS TO DEEPEN LAW
ENFORCEMENT COOPERATION

¶1. (SBU) SUMMARY: In a productive meeting with CDA on August 20, Argentine Prosecutor General Esteban Righi expressed interest in expanding and deepening bilateral law enforcement cooperation on a wide range of areas including extradition, human trafficking, money laundering, terrorism finance and corruption. The Charge stressed the USG's commitment to working in collaboration with the Argentine government in these areas as well as terrorism and drug trafficking. He invited the Prosecutor General's (PG) office to participate in future USG training aimed at developing law enforcement and prosecutorial capacity to combat complex and organized crime. An amiable interlocutor with a professional demeanor, Righi appeared genuinely interested in working with us to deepen bilateral law enforcement cooperation. End Summary.

Participants -----

¶2. (SBU) Prosecutor General Righi was joined in his office by Secretary for Institutional Coordination Dr. Adrian Marchisio, Director for Criminal Policy Mary Beloff, and Marcelo Colombo, Director for the Specialized Unit to Investigate Kidnapping, Extortion and Trafficking in Persons Crimes (UFASE). The CDA was accompanied by A/Polcouns Heidi Gomez (notetaker).

PG Proposes Reforms to Adopt Inquisitorial System -----

¶3. (SBU) Righi began by noting that the Prosecutor General's office (PG) had previously worked with the U.S. Embassy on extradition requests, intellectual property rights (IPR) enforcement, and oral advocacy training. He asserted that a year earlier, he had proposed to then-Minister of Justice Anibal Fernandez reforms to Argentina's criminal procedural code that would implement the 1994 constitutional mandate to transition the country's judicial system from the inquisitive to the accusatorial system. Righi indicated that he had raised the proposal with new Justice Minister Julio Alak and expressed hope that Alak would not only support reform but also request additional resources for implementation. In making a case for greater funding, he said that it would be useful to know what percentage of the U.S. budget is allocated to the Attorney General's office.

Plea Bargaining and Extradition Issues -----

¶4. (SBU) Righi also expressed interest in learning from the U.S. experience with plea bargaining. Introducing such a system in

Argentina could help reduce the judicial system's backlog of criminal cases, he said. He acknowledged, however, that the benefits of such reforms would have to be carefully explained, since the Argentine public might otherwise view plea bargaining as a means to circumvent justice. He also indicated that more Argentine prosecutors needed to strengthen their understanding of U.S. requirements for extradition requests. The Charge suggested that it would be beneficial for the Embassy and the PG's office to explore ways to improve the information-sharing process in extradition cases to speed up communications. Righi said that he was open to looking at options to do so.

TIP

15. (SBU) Righi also expressed interest in learning U.S. best practices in prosecuting trafficking in persons (TIP) crimes and protecting trafficking victims. He said that passage of anti-TIP legislation in 2007 had given prosecutors a new tool to go after trafficking rings. The CDA stated that the USG is deeply committed to working with the GOA on fighting TIP and noted that Argentina's anti-TIP law was a notable step forward. He stressed that TIP was a global problem that all countries, including the United States, face. He praised the PG's specialized Kidnapping, Extortion, and TIP unit (UFASE) for its excellent and high-profile work investigating TIP cases around the country and forwarding a number of cases to the courts for further judicial investigation and prosecution. The CDA also relayed Washington interest in seeing these investigations result in convictions, and offered USG assistance in strengthening the PG's capacity to prosecute such crimes.

16. (SBU) The Charge invited UFASE to participate in future anti-TIP training, including an upcoming September seminar the Embassy is funding through a local NGO partner "Unidos por la Justicia." He reiterated the Embassy's invitation to Righi to attend the opening ceremony of the event. Righi welcomed the opportunity for enhanced cooperation and training in this area, but indicated that he preferred working directly with the USG on a bilateral basis at first. "Once an institutional working relationship in this area is established, we can explore the possibility of working with an NGO," he explained. A/Polcouns suggested that working level officials attend, a possibility Righi said he would consider. (Note: Unidos representatives subsequently told us that an UFASE prosecutor has agreed to serve as a trainer for the program.)

17. (U) Note: On August 24, Righi signed a resolution instructing federal prosecutors to seek the closure of brothels operating with a license for commercial activities, such as pubs or discos. The resolution also instructs prosecutors to ask investigative judges to authorize at the initial stage of an investigation the seizure of these venues to be used as property bond until the case is decided by the courts. Righi also ordered prosecutors to identify and press charges against officials that may have participated or covered up TIP crimes. According to pro-government daily "Pagina 12," which arguably has the best press coverage of TIP issues, UFASE has discovered that several municipalities have local ordinances that regulate prostitution, in open violation of federal law. To address this, Righi has also urged Justice Minister Alak and Interior Minister Randazzo to ensure that provincial and municipal legislation complies with national law and Argentina's international obligations to abolish "houses of tolerance" that engage in commercial sexual exploitation.
Counterterrorism

18. (SBU) The Charge noted that the U.S. Embassy's Office of the Legal Attache had worked very closely with the PG's Specialized Unit charged with exclusively investigating the 1994 terrorist bombing on the Argentine-Jewish Mutual Association (AMIA). He asked whether the GOA had considered transitioning the unit into a counter-terrorism unit with broader investigative authority. Righi said that the GOA would have to think about this possibility, and said that if the GOA were to have a specialized Counterterrorism unit, it would have to create a new office. To do otherwise would divert resources from the AMIA investigation, he stated.

Financial Crimes

¶9. (SBU) Turning to the issue of financial crimes, the CDA noted that the Embassy's Immigration and Customs Enforcement (ICE) Attache and Drug Enforcement Administration office have worked to assist the GOA in strengthening its Money Laundering/Counter-Terrorism Finance regime. He noted that ICE provided training in July 2009 to Argentine law enforcement agencies including Gendarmeria, Prefectura, Federal Police, and Customs on how to investigate money laundering, bulk cash smuggling, and terrorist finance cases. He invited the PG's office to participate in future training courses as participants and presenters. Righi welcomed the opportunity for training in these areas, noting that federal prosecutors have had difficulties in investigating such cases. He noted that prosecutors need to learn what is money laundering and what is not. He pointed out that Argentina's legal framework does not define what constitutes cover-up in money laundering crimes. He added that the GOA needed to develop protocols on how to investigate complex crimes such as money laundering, terrorism finance, TIP, and corruption.

¶10. (SBU) A/PolCouns noted ICE's interest in offering support for any GOA initiative to create an integrated Money Laundering taskforce that would include members of the PG's office, Customs, Gendarmeria, and National Police. Righi said the proposal was interesting, but indicated that prosecutors have a greater role in investigating money laundering cases, claiming that the federal security forces did not really follow these kinds of cases.

IPR

¶11. (SBU) On IPR, A/Polcouns noted Embassy efforts to produce an IPR investigative manual, which was written entirely by Argentine

judicial and law enforcement officials. Secretary Marchisio noted that the PG's office was currently evaluating the manual for possible use by federal prosecutors, adding that it was "quite good."

Speaker Program

¶12. (SBU) A/PolCouns invited the PG's office to participate in two speaker programs this fall on the topics of juvenile delinquency and Magistrate Judges. She also indicated that through the Speaker program the Embassy could bring U.S. legal experts on topics of interest to the PG's office. Beloff indicated her interest in the program and promised to follow up with concrete proposals. She also indicated that she would participate in the Embassy's fall program and encourage federal prosecutors to attend.

The Future of Specialized Investigative Units

¶13. (SBU) Righi told the Charge that his office is now working to strengthen the PG's ten Specialized Investigative Units by giving them the authority to follow up on cases they initiated and transferred to the courts for further investigation. (Note: At present, specialized investigative units conduct preliminary investigations in their area of expertise under the guidance and order of an investigative judge. If these specialized units develop sufficient evidence to proceed with a formal investigation, they must then transfer the case to a federal investigating judge with the appropriate jurisdiction. Although judges may continue to rely on the specialized units for technical assistance during the investigation, they rarely do.)

Bio Note

¶14. (SBU) President Nestor Kirchner appointed Esteban Righi as General Prosecutor of the Republic of Argentina in 2004. When Kirchner's wife Cristina Fernandez de Kirchner^{4s} (CFK) was elected President in 2007, she opted to keep Righi in the same position. Argentina's Constitution establishes a system in which the General Prosecutor is both the chief of all prosecutors in the national (i.e., Buenos Aires city) justice system and is head of all federal

prosecutors who intervene in Supreme Court cases. Nevertheless, Righi insists that "it is a myth" that he is chief of all federal prosecutors since they are independent and do not report to him.

¶15. (SBU) Mr. Righi was born in Resistencia, in the province of Chaco, on September 4, 1938. A lawyer by training, he earned his Doctorate in Criminal Law and Criminology from the University of Buenos Aires. He is a long-time Peronist, with strong links to the party's left flank. From May to July 1973, Righi served as Minister of the Interior in the transitional Peronist government of Hector Campora. During this time, he was the author of a controversial decree liberating more than 300 prisoners who had been accused of perpetrating acts of domestic terrorism. Prior to and during the 1976-83 military dictatorship, Righi lived in exile in Mexico with his family for ten years. (During that period, as he recounted to the CDA, he turned to American football after becoming disenchanted with the "poor quality" of Mexican soccer, eventually becoming an avid Pittsburgh Steelers fan.) He returned to Argentina when it returned to democracy in 1983. Prior to his appointment, Mr. Righi had his own law firm (Estudio Righi) where he and his partners reportedly represented a number of current government officials accused of corruption.

Comment

¶16. (SBU) An amiable interlocutor with a professional demeanor, Righi appeared genuinely interested in working with us and learning from USG best practices on a wide range of issues. (He requested the meeting.) Post will actively explore additional opportunities to work with the PG's office to offer experts and programs that can build its prosecutorial capacity to investigate and prosecute organized and complex crime.

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